

Amendment to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended): A distribution server comprising:

an input unit ~~for that inputs~~ image data;

a monitoring trigger information generating unit that generates monitoring trigger information, and that performs a receiving bit rate monitoring at a receiving side;

an image data ~~re-construction~~ reconstruction unit that reconstructs said image data and said monitoring trigger information;

a communication unit ~~connected to a terminal~~ that transmits and receives data to and from a terminal through a communication path; and

a bit rate switching control unit that controls said image data reconstruction unit to change an image bit rate.

~~a monitoring trigger information generating unit for generating monitoring trigger information with which said terminal performs a receiving bit rate monitoring;~~

wherein said monitoring trigger information generating unit image data reconstruction unit inserts a said generated monitoring trigger information into image data input through said input unit, and

wherein said communication unit transmits outputs a data fragment, which includes said image data, said monitoring trigger information, and data size information of said data fragment for detecting a completion of said receiving bit rate monitoring, and

wherein when said communication unit receives an image bit rate switching request command from said terminal, said bit rate switching control unit controls said image data reconstruction unit to change an image bit rate by changing an image size by burst transfer every data fragment.

2. (canceled).

3. (currently amended): The distribution server according to claim [2] 1, wherein as said monitoring trigger information, a transmission start time for a data fragment to be transmitted next is inserted into an extension part of said image data to be distributed.

4. (canceled).

5. (currently amended): A terminal device comprising:

a communication unit that receives a data fragment from a distribution server through a communication path, connected to a distribution server, receiving a data fragment, which

wherein the data fragment includes an image data, a monitoring trigger, and data size information, ~~transferred burst transfer every data fragment;~~

a reproducing unit ~~for reproducing~~ that reproduces said received image data;
and

a monitoring unit ~~for monitoring~~ that monitors a receiving bit rate of said received data fragment; and

an analysis unit ~~for analyzing~~ that analyzes said received data fragment,

wherein said analysis unit extracts a said monitoring trigger from said data fragment and reads out said data size information from said data fragment,

wherein said monitoring unit calculates a receiving bit rate based on said data size information, and a time between a receiving start time of said data fragment specified by a monitoring trigger included in the previous data fragment and a time when receiving of said data fragment finishes specified by said data size information, ~~performs monitoring through utilization of said monitoring trigger, starts said monitoring from a receiving start time of a next data fragment received as specified by said monitoring trigger, and finishes said monitoring upon completion of the receipt of data of a fragment size specified in said data size information and calculates a receiving bit rate; and~~

wherein said monitoring unit feeds distribution bit rate switching information of said image data through said communication unit in response to said receiving bit rate to be monitored.

6. (currently amended): The terminal device according to claim 5, further comprising:

a timer ~~for counting that counts~~ time,

wherein said monitoring unit compares the time of said timer with said ~~receiving start time of said next data fragment~~ specified by said monitoring trigger included in the previous data fragment, and starts said monitoring of the receiving bit rate from said receiving start time.

7. (previously presented): The terminal device according to claim 5, wherein said monitoring unit compares a measured receiving bit rate with a bit rate

switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

8. (previously presented): The terminal device according to claim 5, wherein said monitoring unit monitors a residual amount of said received image data stored at a recording unit, compares it with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

9. (currently amended): The terminal device according to claim 5, further comprising:

a decoder ~~for decoding~~ that decodes said received image data,
wherein said monitoring unit monitors a frame rate of said decoder, compares it with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

10. (previously presented): The terminal device according to claim 5, wherein said monitoring unit monitors a time stamp included in said received image data, compares it with a bit rate switching condition recorded in a recording unit and feeds said bit rate switching information in response to a result of said comparison.

11-12. (canceled).

13. (currently amended): The terminal device according to claim 5, further comprising:

a display unit ~~for displaying~~ that displays said received image data; and
an input instruction unit ~~for receiving~~ that receives an input from a user,
wherein an instruction ~~for changing~~ that changes a bit rate through said input
instruction unit in regard to the image data displayed at said display unit is received
and said instruction is fed as said switching information.